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ES/CO ESA§7-Informal
MAIL STOP 65412

JUN 17 1993

James K. Hartman
Assistant Manager for Transition
and Environmental Restoration
U.S. Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, Colorado 80402-0928

Dear Mr. Hartman:

Thank you for your letter of May 27, 1993 concerning Endangered Species Act (Act), Section 7 informal consultation issues at Operable Unit (OU) 3 for the Rocky Flats CERCLA Site.

The Service concurs with the assessment of the Colorado Bird Observatory that no nesting activity by bald eagles (*Haliaeetus leucocephalus*) is currently occurring in the vicinity of Standley Lake. Therefore your intention to resume CERCLA field activities within OU3, at this time, is consistent with the requirements of the Act.

We would like to reiterate our interest in a demonstration at your earliest convenience of air monitoring station equipment proposed to be placed in operation within OU3. This demonstration hopefully can be carried out to allow evaluation of observations and conclusions and any fine-tuning of the sampling plan prior to the time bald eagles might return to the area in the Fall.

The Service understands that applications of the herbicide(s) Banvel, Escort or Telar are to be made by a licensed subcontractor to control thistle and vine weed species in the settlement areas detailed on the map of Operable Unit 3 previously submitted to the Service by the U.S. Department of Energy, Rocky Flats Plant (Energy). All applications are to be made with a 100 foot buffer around drainages. The Service concurs that this approach is consistent with the provisions of the Act.

We suggest that the area for herbicide application be surveyed for nesting migratory birds immediately prior to applying the chemical treatment. Care should be exercised so that a "take" of migratory birds, their nests, eggs and/or young will not ensue as a result of chemical applications or activities associated with applying chemicals.

Please contact John Wegrzyn at (303) 231-5280 if you have questions or require further information.

The Service appreciates the efforts of Energy to comply with the Endangered Species Act, Migratory Bird Treaty Act, and other Federal environmental statutes intended to protect natural resources.

Sincerely,



LeRoy W. Carlson
Colorado State Supervisor

JGW:

cc: ARD, ES, Region 6
ES, SLC
ES, GJ
USDOE, Rocky Flats Plant (Attn: Mark Van der Puy, Rich Schassburger,
Bruce Thatcher, Bob Birk)
USEPA, Rocky Flats Project (Attn: Martin Hestmark)
CDH (Attn: Gary Baughman)
CDNR (Attn: Ron Cattany)
CDOW (Attn: Kathi Green, Dave Weber)
Jefferson County Open Space (Attn: Bryan Pritchett)
EG&G, Rocky Flats (Attn: Michael Guillaume)

Reading File

File: EC, Superfund, NPL, RFP, OU3

Ref: RFPSECT7.LET